

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION

No. C 08-80007 MISC PJH

**ORDER OF REFERENCE AND
ORDER DENYING MOTION TO
REMIT**

Pursuant to Civil Local Rule 72-1, this matter is referred to a Magistrate Judge for resolution of the motion of MRGO PSLC to quash the subpoena duces tecum issued by Washington Group International, Inc., and motion to stay records production pending a ruling on the motion to quash. The parties will be advised of the date and time of any hearing by the assigned Magistrate Judge.

MRGO PSLC also seeks an order remitting this matter to the United States District Court for the Eastern District of Louisiana, where the underlying action is pending. In support of the motion, MRGO PSLC cites the 1970 Advisory Committee Notes to Federal Rule of Civil Procedure 26(c). The court is aware that some courts have authorized such transfers, while others have not. See Schwarzer, Tashima & Wagstaffe, Federal Civil Procedure Before Trial (2007 ed.) § 11:2290 (citing In re Sealed Case, 141 F.3d 337, 343 (D.C. Cir. 1998); United States v. Star Scientific, Inc., 205 F.Supp. 2d 482, 486 & n.4 (D. Md. 2002)). However, in the absence of Ninth Circuit authority, the court is unwilling to grant the motion. Accordingly, the motion to remit is DENIED.

IT IS SO ORDERED.

Dated: February 6, 2008



PHYLLIS J. HAMILTON
United States District Judge